

**UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT  
DOCKETING STATEMENT--CRIMINAL CASES**

**Directions:** Counsel must make a **docketing statement (criminal)** entry in CM/ECF within 14 days of filing a notice of appeal or cross appeal, or within the due date set by the clerk's docketing notice, whichever is later. File with the entry the (1) docketing statement form and any extended answers, (2) any transcript order form, and (3) any CJA 24 authorization form. Counsel who filed the notice of appeal is responsible for filing the docketing statement even if different counsel will handle the appeal. In criminal cases, counsel who represented the defendant below must continue on appeal unless the court of appeals grants a motion to withdraw. Appellants proceeding pro se are not required to file a docketing statement. Opposing counsel may file objections to the docketing statement within 10 days of service using the ECF event-**docketing statement objection/correction**.

<b>Appeal No. &amp; Caption</b>	14-4354 US v. Nestor Guerra-Telon
<b>Originating No. &amp; Caption</b>	6:13-cr-00631-HMH-5 USA v. Nestor Guerra-Telon
<b>District Court &amp; Judge</b>	District of South Carolina; The Honorable Henry M. Herlong, Jr

<b>Jurisdiction</b> (answer any that apply)		
Date of entry of order/judgment appealed from	04/15/2014	
Date this notice of appeal filed	04/29/2014	
If cross appeal, date first notice of appeal filed		
Date of filing any post-judgment motion		
Date order entered disposing of any post-judgment motion		
Date of filing any motion to extend appeal period		
Time for filing appeal extended to		
Is appeal from final order or judgment?	<input checked="" type="radio"/> Yes	<input type="radio"/> No
If appeal is not from final judgment, why is order appealable?		

**Transcript – Order all necessary transcript now. Extensions of the briefing schedule to order additional transcript are disfavored**

(Identify necessary transcript dates and state whether the transcript is on file or a copy of the transcript order is attached. CJA counsel must attach copy of the CJA 24 with the transcript order.).

Trial Date(s):	November 18 and 18, 2014	<input type="radio"/> On File	<input checked="" type="radio"/> Order Attached	<input type="radio"/> Not Needed
Plea Date:		<input type="radio"/> On File	<input type="radio"/> Order Attached	<input type="radio"/> Not Needed
Sentence Date:	April 15, 2014	<input type="radio"/> On File	<input checked="" type="radio"/> Order Attached	<input type="radio"/> Not Needed
Other Date(s):		<input type="radio"/> On File	<input type="radio"/> Order Attached	<input type="radio"/> Not Needed

**Case Handling Requirements** (answer any that apply)

Case number of any prior appeal in same case		
Case number of any pending appeal in same case		
Identification of any case pending in this Court or Supreme Court raising similar issue	If abeyance or consolidation is warranted, counsel must file an appropriate motion.	
Is expedited disposition necessary?	<input type="radio"/> Yes	<input checked="" type="radio"/> No
If yes, motion to expedite must be filed.		

**Issues** (Non-binding statement of issues to raise on appeal. Attach additional page if necessary.)

Failure to give good character charge at trial;  
 Improper calculation of drug weight at sentencing;  
 Failure to give credit for minimal role at sentencing;  
 Improper imposition of obstruction of justice reduction at sentencing.

Appellant's Name & Address	Counsel's Name & Address
Name: Nestor Guerra-Telon Address:   E-Mail:  Phone:	Name: Ralph Gleaton Address: 935 S. Main Street, Suite 203 Greenville, SC 29601  E-Mail: ralph@gwhlawfirm.com  Phone: 864-250-9780

Signature: /s/Ralph Gleaton Date: 06/06/2014

Counsel for: Nestor Guerra-Telon

**Certificate of Service:** I certify that on 06/06/2014 the foregoing document was served on all parties or their counsel of record through the CM/ECF system if they are registered users or, if they are not, by serving a true and correct copy at the addresses listed below:

Signature: <u>/s/Ralph Gleaton</u>	Date: <u>06/06/2014</u>



Gleaton Wyatt & Hewitt, P.A.  
attorneys for business

*The Field House at West End*  
935 South Main Street, Suite 203  
Greenville, SC, 29601 USA  
Phone: (864) 250-9780  
Fax: (864) 250-9784  
www.gwhlawfirm.com

June 6, 2014

Ms. Judi Johnson  
U.S. District Court Reporter  
300 East Washington Street  
Greenville, SC 29601

Re: Nestor Guerra-Telon  
6:13-cr-00631-HMH-5-CRI  
4<sup>th</sup> Circuit #: 14-4354

Dear Ms. Johnson:

Enclosed are the Transcript Order Form and CJA24 in the Nestor Guerra-Telon case. Please let me know what additional information you need to proceed with the transcript order request.

Thank you for your assistance in this matter.

CORDIALLY YOURS,



RALPH GLEATON

RG:plh  
cc: USDC

## FOURTH CIRCUIT TRANSCRIPT ORDER FORM

Case Style United States of America v. Nestor Guerra-TelonDist. Ct. No. 6:13-cr-00631-HMH-5-CRI District South CarolinaDate Notice of Appeal filed 04/29/14 Court of Appeals No. 14-4354Name of Court Reporter/Electronic Rec. (use separate form for each reporter) Judi Johnson, RMR, RPR, CRRAddress of Reporter 300 East Washington St., Room 303, Greenville, SC 29601

Appellant must order any necessary transcript, completing a separate transcript order form (and separate CJA 24 Form) for each reporter and submitting the order to the court reporter and the district court within 14 days of noting the appeal. The completed form must show that necessary financial arrangements have been made or that the original CJA 24 Form has been submitted to the district court clerk. Copies of the transcript order form must be attached to the docketing statement filed in the Court of Appeals and served on opposing counsel within 14 days of docketing of the appeal, or the appeal will be subject to dismissal pursuant to Local Rule 45. If appellee finds other parts of the proceedings necessary, appellee must designate the additional parts within 14 days after service of the transcript order. If appellant has not ordered the additional parts within 14 days, appellee may, within the following 14 days, order the additional parts or move in the district court for an order requiring appellant to do so. In sentencing appeals, a transcript of the sentencing hearing must be ordered. In Anders appeals, plea (or trial) and sentencing transcript must be ordered. If appellee wishes to obtain a copy of transcript ordered by appellant, appellee must order a copy from the court reporter. In multi-defendant cases involving CJA defendants, only one original trial transcript should be purchased from the court reporter on behalf of CJA defendants, and copies should thereafter be made at commercially competitive rates. Counsel must review transcript and notify the district court of any intention to direct redaction of personal data identifiers within 7 days of filing of the transcript, and thereafter submit a statement of redactions to the court reporter within 21 days of filing of the transcript, as required by the Judicial Conference Policy on Privacy and Public Access to Electronic Case Files. Counsel should verify that the witness name and type of examination appear in the top margin of each page of testimony, as required for inclusion in the appendix on appeal. Local Rule 30(b).

- A. This constitutes an order of the transcript of the following proceedings. Check appropriate box(es), provide date of hearing, and indicate total number of estimated pages. Failure to specify in adequate detail the proceedings to be transcribed is grounds for dismissal. Specific authorization is required under the CJA for opening and closing statements, voir dire, or jury instructions.

## PROCEEDING

## HEARING DATE(S)

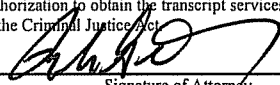
- |   |                             |
|---|-----------------------------|
| <input type="checkbox"/> Voir Dire                                |                             |
| <input checked="" type="checkbox"/> Opening Statement (Plaintiff) | <u>November 18, 2013</u>    |
| <input checked="" type="checkbox"/> Opening Statement (Defendant) | <u>November 18, 2013</u>    |
| <input checked="" type="checkbox"/> Closing Argument (Plaintiff)  | <u>November 19, 2013</u>    |
| <input checked="" type="checkbox"/> Closing Argument (Defendant)  | <u>November 19, 2013</u>    |
| <input checked="" type="checkbox"/> Opinion of Court              | <u>November 19, 2013</u>    |
| <input checked="" type="checkbox"/> Jury Instructions             | <u>November 19, 2013</u>    |
| <input type="checkbox"/> Sentencing                               |                             |
| <input type="checkbox"/> Bail Hearing                             |                             |
| <input type="checkbox"/> Pre-Trial Proceedings (specify)          |                             |
| <input checked="" type="checkbox"/> Testimony (specify)           |                             |
| <u>All</u>  | <u>November 18-19, 2013</u> |
| <input type="checkbox"/> Other (specify)                          |                             |

TOTAL ESTIMATED PAGES 200

- B. I certify that I have contacted the court reporter (or court reporter coordinator if electronic recording) and satisfactory financial arrangements for payment of the transcript have been made.
- ☐ Private funds. (Deposit of \$ \_\_\_\_\_ enclosed with court reporter's copy. Check No. \_\_\_\_\_.)
- ☒ Criminal Justice Act. The original CJA 24 Form has been submitted to the district court clerk and a copy is attached.
- ☐ Government expense (civil case--IFP). Motion for transcript at government expense is pending with district judge.
- ☐ Advance payment waived by court reporter. Payment in full is due upon receipt of transcript.
- ☐ Federal Public Defender - no CJA 24 Form necessary.
- ☐ United States appeal - copy of litigation expense form attached, if applicable.

Signature /s/ Ralph GleatonTyped name Ralph GleatonAddress 935 S. Main St., Suite 203, Greenville, SC 29601Email ralph@pgwhlaw.comTelephone No. (864) 250-9780Date Sent to Reporter 06/06/14

## SCJA 24 AUTHORIZATION AND VOUCHER FOR PAYMENT OF TRANSCRIPT (Rev. 01/08)

1. CIR./DIST./DIV. CODE <b>SCX</b>		2. PERSON REPRESENTED <b>GUERRA-TELON, NESTOR</b>		VOUCHER NUMBER			
3. MAG. DKT./DEF. NUMBER		4. DIST. DKT./DEF. NUMBER <b>6:13-0000631-HMH-5</b>		5. APPEALS DKT./DEF. NUMBER <b>14-4354</b>		6. OTHER DKT. NUMBER	
7. IN CASE/MATTER OF (Case Name) <b>USA v. Nestor Guerra-Telon</b>		8. PAYMENT CATEGORY <input type="checkbox"/> Felony <input type="checkbox"/> Petty Offense <input type="checkbox"/> Misdemeanor <input type="checkbox"/> Other <input checked="" type="checkbox"/> Appeal		9. TYPE PERSON REPRESENTED <input checked="" type="checkbox"/> Adult Defendant <input type="checkbox"/> Appellant <input type="checkbox"/> Juvenile Defendant <input type="checkbox"/> Appellee <input type="checkbox"/> Other		10. REPRESENTATION TYPE (See Instructions) <b>Criminal Case</b>	
11. OFFENSE(S) CHARGED (Cite U.S. Code, Title & Section) <i>If more than one offense, list (up to five) major offenses charged, according to severity of offense.</i> <b>21:864, 841A-CD.F - Controlled Substance - Sell, Distribute or Dispense</b>							
<b>REQUEST AND AUTHORIZATION FOR TRANSCRIPT</b>							
12. PROCEEDING IN WHICH TRANSCRIPT IS TO BE USED (Describe briefly) <b>Appeal</b>							
13. PROCEEDING TO BE TRANSCRIBED (Describe specifically). NOTE: The trial transcripts are not to include prosecution opening statement, defense opening statement, prosecution argument, defense argument, prosecution rebuttal, voir dire or jury instructions, unless specifically authorized by the Court (see Item 14). Attach statement showing specific need. <b>Trial transcript (including opening statements, closing arguments, opinion of court, jury instructions and all testimony)</b>							
14. SPECIAL AUTHORIZATIONS							JUDGE'S INITIALS
A. Apportioned Cost _____ % of transcript with (Give case name and defendant)							
B. <input type="checkbox"/> 14-Day <input type="checkbox"/> Expedited <input type="checkbox"/> Daily <input type="checkbox"/> Hourly <input type="checkbox"/> Realtime Unedited							
C. <input checked="" type="checkbox"/> Prosecution Opening Statement <input checked="" type="checkbox"/> Prosecution Argument <input type="checkbox"/> Prosecution Rebuttal <input checked="" type="checkbox"/> Defense Opening Statement <input checked="" type="checkbox"/> Defense Argument <input type="checkbox"/> Voir Dire <input checked="" type="checkbox"/> Jury Instructions							
D. In this multi-defendant case, commercial duplication of transcripts will impede the delivery of accelerated transcript services to persons proceeding under the Criminal Justice Act.							
15. ATTORNEY'S STATEMENT As the attorney for the person represented who is managed above, I hereby affirm that the transcript requested is necessary for adequate representation. I, therefore, request authorization to obtain the transcript services at the expense of the United States pursuant to the Criminal Justice Act.  _____ Signature of Attorney <b>Ralph Gleaton</b> Printed Name Telephone Number: <b>(864) 250-9780</b> <input checked="" type="checkbox"/> Panel Attorney <input type="checkbox"/> Retained Attorney <input type="checkbox"/> Pro-Se <input type="checkbox"/> Legal Organization				16. COURT ORDER Financial eligibility of the person represented having been established to the Court's satisfaction the authorization requested in Item 15 is hereby granted. _____ Signature of Presiding Judge or By Order of the Court _____ Date of Order      Nunc Pro Tunc Date			
<b>CLAIM FOR SERVICES</b>							
17. COURT REPORTER/TRANSCRIBER STATUS <input type="checkbox"/> Official <input type="checkbox"/> Contract <input type="checkbox"/> Transcriber <input type="checkbox"/> Other				18. PAYEE'S NAME AND MAILING ADDRESS			
19. SOCIAL SECURITY NUMBER OR EMPLOYER ID NUMBER OF PAYEE				Telephone Number: _____			
20. TRANSCRIPT	INCLUDE PAGE NUMBERS	NO. OF PAGES	RATE PER PAGE	SUB-TOTAL	LESS AMOUNT APPORTIONED	TOTAL	
Original							
Copy							
Expense (Itemize)							
<b>TOTAL AMOUNT CLAIMED:</b>							
21. CLAIMANT'S CERTIFICATION OF SERVICE PROVIDED I hereby certify that the above claim is for services rendered and is correct, and that I have not sought or received payment (compensation or anything of value) from any other source for these services. Signature of Claimant/Payee _____ Date _____							
<b>ATTORNEY CERTIFICATION</b>							
22. CERTIFICATION OF ATTORNEY OR CLERK I hereby certify that the services were rendered and that the transcript was received. _____ Signature of Attorney or Clerk      Date							
<b>APPROVED FOR PAYMENT — COURT USE ONLY</b>							
23. APPROVED FOR PAYMENT _____ Signature of Judge or Clerk of Court      Date						24. AMOUNT APPROVED	



Gleaton Wyatt & Hewitt, P.A.  
attorneys for business

*The Field House at West End*  
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Greenville, SC, 29601 USA  
Phone: (864) 250-9780  
Fax: (864) 250-9784  
[www.gwhlawfirm.com](http://www.gwhlawfirm.com)

June 6, 2014

Ms. Karen Martin  
U.S. District Court Reporter  
300 East Washington Street  
Greenville, SC 29601

Re: Nestor Guerra-Telon  
6:13-cr-00631-HMH-5-CRI  
4<sup>th</sup> Circuit #: 14-4354

Dear Ms. Martin:

Enclosed are the Transcript Order Form and CJA24 in the Nestor Guerra-Telon case. Please let me know what additional information you need to proceed with the transcript order request.

Thank you for your assistance in this matter.

CORDIALLY YOURS,

RALPH GLEATON

RG:plh  
cc: USDC



## FOURTH CIRCUIT TRANSCRIPT ORDER FORM

Case Style United States of America v. Nestor Guerra-Telon  
 Dist. Ct. No. 6:13-cr-00631-HMH-5-CRI District South Carolina  
 Date Notice of Appeal filed 04/29/14 Court of Appeals No. 14-4354  
 Name of Court Reporter/Electronic Rec. (use separate form for each reporter) Karen Martin, RMR, RPR, CRR  
 Address of Reporter 300 East Washington St., Room 303, Greenville, SC 29601

Appellant must order any necessary transcript, completing a separate transcript order form (and separate CJA 24 Form) for each reporter and submitting the order to the court reporter and the district court within 14 days of noting the appeal. The completed form must show that necessary financial arrangements have been made or that the original CJA 24 Form has been submitted to the district court clerk. Copies of the transcript order form must be attached to the docketing statement filed in the Court of Appeals and served on opposing counsel within 14 days of docketing of the appeal, or the appeal will be subject to dismissal pursuant to Local Rule 45. If appellee finds other parts of the proceedings necessary, appellee must designate the additional parts within 14 days after service of the transcript order. If appellant has not ordered the additional parts within 14 days, appellee may, within the following 14 days, order the additional parts or move in the district court for an order requiring appellant to do so. In sentencing appeals, a transcript of the sentencing hearing must be ordered. In Anders appeals, plea (or trial) and sentencing transcript must be ordered. If appellee wishes to obtain a copy of transcript ordered by appellant, appellee must order a copy from the court reporter. In multi-defendant cases involving CJA defendants, only one original trial transcript should be purchased from the court reporter on behalf of CJA defendants, and copies should thereafter be made at commercially competitive rates. Counsel must review transcript and notify the district court of any intention to direct redaction of personal data identifiers within 7 days of filing of the transcript, and thereafter submit a statement of redactions to the court reporter within 21 days of filing of the transcript, as required by the Judicial Conference Policy on Privacy and Public Access to Electronic Case Files. Counsel should verify that the witness name and type of examination appear in the top margin of each page of testimony, as required for inclusion in the appendix on appeal. Local Rule 30(b).

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## PROCEEDING

## HEARING DATE(S)

- |  |                       |
|--|-----------------------|
| <input type="checkbox"/> Voir Dire                       | _____                 |
| <input type="checkbox"/> Opening Statement (Plaintiff)   | _____                 |
| <input type="checkbox"/> Opening Statement (Defendant)   | _____                 |
| <input type="checkbox"/> Closing Argument (Plaintiff)    | _____                 |
| <input type="checkbox"/> Closing Argument (Defendant)    | _____                 |
| <input type="checkbox"/> Opinion of Court                | _____                 |
| <input type="checkbox"/> Jury Instructions               | _____                 |
| <input checked="" type="checkbox"/> Sentencing           | <u>April 15, 2014</u> |
| <input type="checkbox"/> Bail Hearing                    | _____                 |
| <input type="checkbox"/> Pre-Trial Proceedings (specify) | _____                 |
| <input type="checkbox"/> _____                           | _____                 |
| <input type="checkbox"/> Testimony (specify)             | _____                 |
| <input type="checkbox"/> _____                           | _____                 |
| <input type="checkbox"/> Other (specify)                 | _____                 |
| <input type="checkbox"/> _____                           | _____                 |

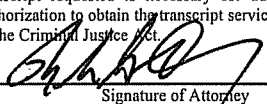
TOTAL ESTIMATED PAGES 10

- B. I certify that I have contacted the court reporter (or court reporter coordinator if electronic recording) and satisfactory financial arrangements for payment of the transcript have been made.
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Signature /s/ Ralph Gleaton Typed name Ralph Gleaton  
 Address 935 S. Main St., Suite 203, Greenville, SC 29601  
 Email ralph@pgwhlaw.com Telephone No. (864) 250-9780  
 Date Sent to Reporter 06/06/14



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1. CIR./DIST./ DIV. CODE SCX		2. PERSON REPRESENTED GUERRA-TELON, NESTOR		VOUCHER NUMBER		
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10. REPRESENTATION TYPE (See Instructions) Criminal Case						
11. OFFENSE(S) CHARGED (Cite U.S. Code, Title & Section) If more than one offense, list (up to five) major offenses charged, according to severity of offense. 21:864, 841A-CD.F - Controlled Substance - Sell, Distribute or Dispense						
REQUEST AND AUTHORIZATION FOR TRANSCRIPT						
12. PROCEEDING IN WHICH TRANSCRIPT IS TO BE USED (Describe briefly) Appeal						
13. PROCEEDING TO BE TRANSCRIBED (Describe specifically). NOTE: The trial transcripts are not to include prosecution opening statement, defense opening statement, prosecution argument, defense argument, prosecution rebuttal, voir dire or jury instructions, unless specifically authorized by the Court (see Item 14). Attach statement showing specific need. Sentencing						
14. SPECIAL AUTHORIZATIONS					JUDGE'S INITIALS	
A. Apportioned Cost _____ % of transcript with (Give case name and defendant)						
B. <input type="checkbox"/> 14-Day <input type="checkbox"/> Expedited <input type="checkbox"/> Daily <input type="checkbox"/> Hourly <input type="checkbox"/> Realtime Unedited						
C. <input checked="" type="checkbox"/> Prosecution Opening Statement <input checked="" type="checkbox"/> Prosecution Argument <input type="checkbox"/> Prosecution Rebuttal <input checked="" type="checkbox"/> Defense Opening Statement <input checked="" type="checkbox"/> Defense Argument <input type="checkbox"/> Voir Dire <input checked="" type="checkbox"/> Jury Instructions						
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19. SOCIAL SECURITY NUMBER OR EMPLOYER ID NUMBER OF PAYEE						
20. TRANSCRIPT	INCLUDE PAGE NUMBERS	NO. OF PAGES	RATE PER PAGE	SUB-TOTAL	LESS AMOUNT APPORTIONED	TOTAL
Original						
Copy						
Expense (Itemize)						
TOTAL AMOUNT CLAIMED:						
21. CLAIMANT'S CERTIFICATION OF SERVICE PROVIDED I hereby certify that the above claim is for services rendered and is correct, and that I have not sought or received payment (compensation or anything of value) from any other source for these services. Signature of Claimant/Payee _____ Date _____						
ATTORNEY CERTIFICATION						
22. CERTIFICATION OF ATTORNEY OR CLERK I hereby certify that the services were rendered and that the transcript was received. _____ Signature of Attorney or Clerk _____ Date						
APPROVED FOR PAYMENT — COURT USE ONLY						
23. APPROVED FOR PAYMENT _____ Signature of Judge or Clerk of Court _____ Date						24. AMOUNT APPROVED